

April 28, 1993

MEMORANDUM

GMP #24

To: District Directors  
Environmental Health Managers  
Environmental Health Specialists  
Project Managers

From: Donald J. Alexander, Director  
Division of Onsite Sewage and Water Services

Subject: Interpretation to § 1.3 of the Alternative Discharging Sewage Treatment Regulations for Single Family Dwellings.

Section 1.3 of the Discharging Regulations governs who is to be regulated by these regulations and addresses some of the issues of what systems are grandfathered. The purpose of this GMP is to clarify two specific questions raised pursuant to § 1.3.

The first issue concerns discharging systems serving single family homes with flows under 1,000 GPD that have an individual VPDES permit (i.e., systems permitted by the State Water Control Board but not covered under the General Permit). These systems are **not** governed by the Alternative Discharging Sewage Treatment Regulations for Single Family Dwellings, and the Department of Health has no jurisdiction over them except as provided through a Memorandum of Agreement between VDH and the State Water Control Board (SWCB) or where an actual or potential public health hazard may exist. In other words, these systems are ordinarily governed under the exclusive purview of the State Water Control Board. Further, the SWCB has the exclusive right to renew, reissue or transfer these permits in accordance with their regulations. Individuals holding any individual VPDES permit, including those which have been renewed, reissued or transferred (for example, when a single family home is sold to a new owner) are **not** governed by the Alternative Discharging Sewage Treatment Regulations for Single Family Dwellings.

The second issue concerns the grandfathering of existing systems (1) which were originally permitted under an individual VPDES permit; (2) which cease to be covered by an original, renewed, reissued or transferred individual VPDES permit; and (3) which, as a result, subsequently are registered under the General Permit. These systems are governed by the Alternative Discharging

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Sewage Treatment Regulations for Single Family Dwellings. In cases where the individual VPDES permit limits are 30 mg/l BOD (five day biochemical oxygen demand) and 30 mg/l SS (suspended solids), but under the Discharging Regulations would have to meet 10-10 standards for these parameters, the 30-30 standard shall govern until such time as (1) the systems fail to comply with the 30-30 limit for two consecutive sampling quarters as defined in § 3.11.D (if non-routine, additional testing is being conducted under the conditions and limitations set forth in § 3.11 (D), or (2) repairs in excess of fifty percent (50%) of the cost of the system are necessary.

When evidence is provided which justifies why a system fails to meet the 30-30 standard for two consecutive quarters, the environmental health manager may allow formal testing to continue on a monthly basis for up to an additional six months, as provided for in § 3.11.D.3, to determine if the system can comply with the 30-30 standard. If, during the six month evaluation, the system is not consistently providing treatment equal to or better than 30-30 (BOD and SS), the system shall be upgraded to meet 10-10 standards.

However, before requiring that the system be upgraded, the environmental health manager shall in all cases consult with the Technical Services Chief in the Division of Onsite Sewage and Water Services. The consultation shall be to review and evaluate the data collected on the discharging sewage treatment system relative to the capability of the system to consistently meet 30-30 effluent limits and if it appears the system cannot meet those limits, to explore what options are available to repair or replace the system.

pc: DOS&WS Staff

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Key words: Discharge - Grandfather - Permit Limits